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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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| In the Matter of |) | DOCKET FILE COPY ORIGINAL |
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| Amendment of Part 90 of the |) | |
| Commission's Rules to Facilitate |) | PR Docket No. 93-144 |
| Future Development of SMR Systems |) | RM-8117, RM-8030 |
| in the 800 MHz Frequency Band |) | RM-8029 |
| |) | |
| Implementation of Section 309(j) |) | |
| of the Communications Act - |) | PP Docket No. 93-253 |
| Competitive Bidding |) | |
| 800 MHz SMR |) | |

To: The Commission

EX PARTE COMMENTS OF
THE INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION

The Industrial Telecommunications Association, Inc. ("ITA") hereby submits its comments on the plan announced September 18, 1995 by the Wireless Telecommunications Bureau for resolving the 800 MHz wide-area Specialized Mobile Radio ("SMR") proceeding.

ITA recognizes that there is significant compulsion within the Federal Communications Commission to promote the development of wide-area SMR systems, both to accommodate the needs of the public for enhanced two-way communications as well as to satisfy the Commission's fervent interest in collecting auction revenues. If the critical spectrum requirements of private industrial, business and public safety licensees were not adversely affected, ITA would be content with the Commission's plan to facilitate wide-area SMR systems at 800 MHz.

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To illustrate, ITA does not object to the effort to designate the upper 200 channels solely for wide-area systems licensed over the Basic Economic Areas ("BEAs"). Nor does ITA object to the plan to use the lower 80 SMR channels for relocating non-wide area systems. Neither of these two efforts would significantly affect the spectrum requirements of licensees who use the 800 MHz band to satisfy their internal industrial, business and public safety communications requirements.

However, when it comes to reserving the General Category channels exclusively for relocation of non-wide area SMRs, the Commission has exceeded the bounds of rational public policy. There remains a continuing, critical need for spectrum to accommodate internal industrial, business and public safety communication systems. Due to the generous exception provided by the intercategory sharing rules, SMR systems have already enjoyed widespread access to the 800 MHz industrial and business pool channels. The resulting intrusion by SMR licensees into the industrial and business channels have rendered an extraordinary proportion of these channels unavailable for internal industrial/business communications systems. Most recently, industrial and business licensees lost access to the public safety channels by virtue of the Commission's freeze on intercategory sharing of public safety channels.

In this environment, ITA cannot sanction any effort to further deplete the amount of spectrum that remains available for internal communications requirements. For this reason, ITA strenuously opposes the Commission's announced intent to reserve the 150 General Category channels for SMR use. With respect to these General Category channels, the Commission must

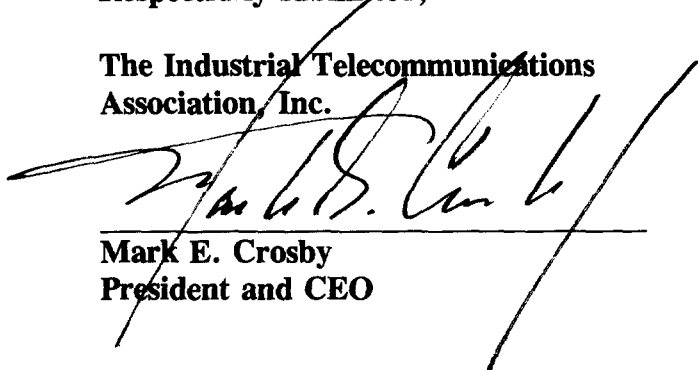
recognize that there are other, more lofty obligations. The Commission must not erode use of the General Category channels for internal industrial, business and public safety communications systems.

The Commission's long-term goal appears to be to auction geographic licenses in the General Category channels, which would result in the reduced expansion rights or the relocation of private users as incumbents in that band. ITA does not believe the auctioning of spectrum inhabited by private users for use by specialized mobile radio carriers is in agreement with language in the Omnibus Budget Reconciliation Act of 1993 or the Competitive Bidding language in Section 309(j) of the *Communications Act*.

The 800 MHz wide-area proceeding has developed a record of how it will affect 800 MHz SMRs in the top 200 channels and the lower 80. No record exists, nor is there time to develop one at this late date, on how these recommendations will affect private users in the General Category channels. Consequently, ITA implores the FCC to limit the 800 MHz wide-area decision to the top 200 and lower 80 channels, and leave the 150 General Category channels for mixed use of SMR, industrial, business and public safety.

Respectfully submitted,

**The Industrial Telecommunications
Association, Inc.**

A large, stylized handwritten signature in black ink, appearing to read 'Mark E. Crosby', is written over a horizontal line. The signature is slanted and extends across the width of the text block.

**Mark E. Crosby
President and CEO**

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